



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 18 1999

RETURN RECEIPT REQUESTED

OFFICE OF  
CIVIL RIGHTS  
IN REPLY REFER TO:

(b) (6) Privacy

EPA File No.  
12R-98-R5

Romulus, MI 48174

RE: REJECTION OF COMPLAINT

Dear (b) (6) Privacy

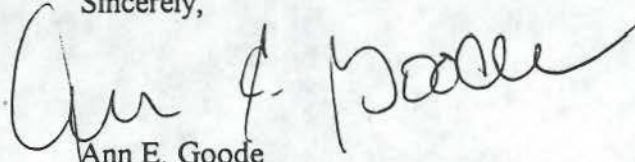
By letter dated October 21, 1998 you requested the Environmental Protection Agency (EPA) to investigate allegations of violations of Title VI of the Civil Rights Act of 1964, as amended, and the EPA's implementing regulations at 40 C.F.R. Part 7 (Nondiscrimination in Programs Receiving Assistance from the EPA). Specifically, your complaint alleged that the Michigan Department of Environmental Quality's (MDEQ) approval of two Underground Injection Control (UIC) permits, MI-163-1W-C007 and MI-163-1W-C008, on April 24, 1998 for the construction of the Environmental Disposal Systems, Inc. underground injection wells in Romulus, Michigan results in a discriminatory effect on African-Americans.

Under Title VI of the Civil Rights Act of 1964, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI administrative regulations, the Office of Civil Rights (OCR) conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). A complaint must meet jurisdictional requirements as described in the *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits* issued on February 4, 1998. First, it must be in writing, be signed, and provide an avenue of contact with the complainant. Second, it must describe alleged discriminatory acts that, if proven true, may violate the EPA's Title VI regulations. Third, it must be timely filed. Fourth, it must identify an EPA recipient that allegedly committed the discriminatory act.

Based on OCR's review, this complaint cannot be accepted for investigation. The two permits in question were issued by the USEPA, and not by MDEQ. They were issued by our Region V office on May 18, 1998. EPA's Title VI regulations define a recipient as "any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient. . . ." 40 C.F.R. § 7.25 (1996). The USEPA is a Federal agency and not a recipient, as per this definition, of Federal financial assistance.

Accordingly, OCR cannot accept your complaint. If you have any questions regarding this matter, please feel free to contact Mike Mattheisen of my staff at (202) 260-4587.

Sincerely,



Ann E. Goode  
Director

Enclosure(s)

cc: Russell J. Harding, Director  
Michigan Department of Environmental Quality (MDEQ)

Gary S. Guzy, Acting General Counsel  
Office of General Counsel (MC 2310)

Steven A. Herman, Assistant Administrator  
Office of Enforcement and Compliance Assurance (MC 2201A)

Barry E. Hill, Director  
Office of Environmental Justice (MC 2201A)  
Office of Enforcement and Compliance Assurance

Angela M. Chung, Special Assistant  
Office of the Administrator (MC 1103)

David A. Ullrich, Acting Regional Administrator  
Region V (R-19J)